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Repositioning Arizona Lands

D. Dean Bibles

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Repositioning Arizona Lands

D. Dean Bibles

State Director
Bureau of Land Management
Phoenix, Arizona

The Public Lands During The Remainder of the 20th Century:
Planning, Law, And Policy In The Federal Land Agencies

Natural Resources Law Center
University of Colorado School of Law
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ABSTRACT: Arizona Bureau of Land Management has had an active State and private land exchange program over the last three years. This outline describes the procedures and positive impacts brought about by the acquisition of 700,000 acres and the transfer of 550,000 acres of land in Arizona.

I. Land Patterns in Arizona are Intermingled

A. Since Arizona's Statehood, the State Land Department has acquired lands through a series of grants, in-lieu selections and exchanges creating an intermingled pattern.

1. Intermingled holdings have complicated the land management programs and missions of State and Federal land management agencies.

a. They often involve the split estate of surface and subsurface acreage.

b. Complex patterns also affect National Parks, National Recreation Areas and Fish and Wildlife Refuges and Game and Game Ranges.

B. Because Arizona was granted Statehood much later than other states, the In-Lieu Selection Process was a larger issue in Arizona.

1. Large parts of Arizona were withdrawn from state grants because of their designations as National Forests, Indian Reservations, etc.
2. Due to these withdrawals, Arizona was entitled to three million acres of in-lieu selections.

- II. Repayment of In-Lieu Grants in Arizona completed by State Indemnity Selection Program.
- A. In October 1980, a memorandum of understanding (MOU) was prepared and signed by the Western States Land Commissioners Association and BLM defining the program procedures.
1. Over 194,000 entitlement acres, second highest of all states, were due to Arizona at this time.
- B. After a three year period, BLM, Arizona's Governor and State Land Department officials completed the selection and transfer of state-hood entitlement lands.
1. The program's success was due to the excellent working relationship between State and Federal agencies, based on mutual trust.

III. Repayment of State Lands used for the Central Arizona Project (CAP).

A. BLM and the Arizona State Land Department worked closely to select over 100 million dollars worth of in-lieu lands owed to Arizona for the CAP.

1. The CAP is a 300-mile long canal designed to carry water from the Colorado River to Phoenix and Tucson.

B. The critical factor in repaying this debt was the high value of land needed to compensate the State for CAP lands used.

1. A 1,065 acre area of public land called Pittsburg Point located near Lake Havasu City in western Arizona was selected.

a. High in recreation, resort and commercial values, Pittsburg Point is a relatively undeveloped island on Lake Havasu.

b. The famous reconstructed London Bridge, joining Lake Havasu City and Pittsburg Point, is popular with tourists.

C. In an effort to erase this major land debt through a few transactions rather than

conveying dozens of tracts, the State and BLM worked closely with the local community for a year on the proposal.

1. An agreement of the proposed transfers was reached in the Fall of 1985.
2. A National Wildlife Federation lawsuit against BLM delayed final settlement of this land debt until late 1986.

IV. Development of the BLM/State Land Exchange Program.

- A. Another area of cooperation involving the lands issue developed when the Interior Department began its 1983 Asset Management Land Sale Program.
 1. As a result of this initiative, Arizona officials suggested an alternative -- a land exchange program between BLM and the State involving lands suggested for sale by the Interior Department.
 2. In addition, State officials proposed an intergovernmental task force of the Forest Service, BLM and State Land Department to address land tenure adjustments within the State.
 - a. In support of this effort, the State legislature approved staffing

and funding for a federal exchange program for three years beginning in July 1984.

3. To expedite the land exchange process, BLM entered into an MOU with the State Land Department. Based on discussions and mutual needs, general exchange criteria were identified.
 - a. The exchange criteria include:
Consolidation of State and BLM land within areas and/or ranch allotments primarily controlled by the State and BLM to facilitate the grazing management of both agencies.
 - b. Exchange of subsurface (mineral) estates to consolidate surface ownership with surface ownership by the same agencies.
 - c. Acquisition by BLM of lands with high multiple use; or to protect wilderness, wildlife habitat, recreation and other public resource values; or to facilitate programs such as the Navajo-Hopi relocation project.
 - d. Acquisition by the State of lands with commercial, industrial,

residential, or agricultural development potential.

- e. All land exchanges will be equal value transactions based on fair market value appraisals.
- f. All subsurface exchanges involved will be equal acreages of State and Federal lands which have been determined to be of comparable value and/or mineral potential.

4. To facilitate this massive exchange program, the BLM has worked with the State to streamline exchange procedures.

- a. Improvements include: Creating an open-ended exchange package in each BLM District which allows for continued exchanges until all BLM and State needs are met.
- b. Transferring title once land is cleared. For example, conveying title of State Land to BLM as soon as the land is cleared for title instead of waiting for BLM land to be cleared through its more lengthy process.

- c. Entering into an MOU with the Advisory Council on Historic Preservation, the State Historic Preservation Officer and the State Land Department designed to ensure compliance with applicable laws and to streamline consultation for transfer of cultural resources properties to the State.
 - d. Reducing mineral assessment reports to the minimum.
 - e. Sharing appraisal skills.
5. Under the open-ended exchange policy, values of lands exchanged are kept broadly balanced, while the time-consuming process of achieving exact dollar for dollar values is undertaken when the exchange program approaches a conclusion.

V. State and Private Land Exchange Accomplishments

- A. In FY 86 alone, over 181,907 acres of fee estate and 49,172 acres of subsurface estate have been acquired by the Federal government.
- B. Since the BLM/State Land Exchange program began in FY 84, BLM has acquired 447,166 acres and transferred 428,231 acres of land.

- C. Through the successful private exchange program, Arizona BLM has acquired almost 250,000 acres of land with high public values such as riparian, wildlife habitat, and recreation.
1. Over 22 private exchanges have been completed in the last three years.
 2. Another 27 private exchanges covering 130,000 acres will be completed in 1987.
 - a. Currently seven of these exchanges are completed or nearing completion and total about 6,300 acres.
 3. These exchanges also have provided for more effective and efficient management of our lands throughout the State.
 4. The most notable and recent BLM land acquisition through private exchange includes 43,000 acres of key riparian habitat adjacent to the San Pedro River in southeastern Arizona.
 - a. The San Pedro land has outstanding riparian, wildlife, cultural, archaeological and recreation values.

b. In return for this acquisition, BLM exchanged 41,000 acres of land near Phoenix with low public value to a private group.

5. Significant bighorn sheep habitat in the State totalling about 8000 acres also have been acquired by BLM through private exchanges.

6. BLM is presently working on acquiring several thousand acres of spectacular joshua tree lands in Arizona.

VI. Key Points in the success of "Repositioning" Arizona Lands.

A. Commitment from State and Federal land management agencies to reduce intermingled land patterns.

1. Provides for land to be managed more efficiently, effectively, and for a greater variety of uses.

B. Strong working relationship between BLM, the State of Arizona and private parties that is based on trust.

1. Mutual trust helps grease the bureaucratic wheels and enables all parties involved to act quickly and confidently toward efficient land management.